

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LISA MCNULTY,  
individually and as personal  
representative of the Estate of  
TARA MCNULTY, and as legal  
guardian of J.M., a minor, and  
HAILEY MCNULTY

Plaintiffs

vs.

UNITED STATES OF  
AMERICA,

Defendant

NO. 5:18-CV-00949-XR  
(consolidated with  
5:18-cv-00555-XR)

**FINAL JUDGMENT**

Judgment is entered in accordance with the Findings of Fact & Conclusions of Law, in cause No. 5:18-cv-00555-XR (February 7, 2022) (ECF No. 584), by District Judge Xavier Rodriguez, and Plaintiffs shall recover from the United States in the amount of:

1. \$3,945,022.81 for Hailey McNulty;<sup>1</sup>

---

<sup>1</sup> After reviewing trial testimony, the Court finds that inflation and interest offset each other, resulting in a net discount rate of 0%. Therefore, of this amount, \$145,169.73 represents the present value of reasonable and necessary future medical expenses Hailey McNulty will incur. The Government stipulated to \$128,859.00 in lost earning capacity, which is split evenly between the two McNulty children. ECF No. 576 at 11 (stipulation); ECF No. 584, at 34 n.9 (Finding).

2. \$3,969,596.25 for Lisa McNulty, on behalf of J.M., a minor child;<sup>2</sup>
3. \$400,000 for Lisa McNulty, individually; and
4. \$7,000,000 for Lisa McNulty, as personal representative of the Estate of Tara McNulty.

Plaintiffs shall file their bill of costs with this Court within 10 days of entry of this judgment, which are to be taxed against the United States.

Post-judgment interest shall be awarded in accordance with 31 U.S.C. § 1304(b)(1). Such interest shall be calculated at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the Judgment. 28 U.S.C. § 1961(a). For the week preceding this Judgment, the rate is set at 1.66 percent.<sup>3</sup>

Pursuant to 28 U.S.C. § 2678, attorney's fees are limited to 25% of the judgment, which the Court finds to be a reasonable and necessary fee in this case.

This final judgment disposes of all claims in the above-styled cause.

It is so ORDERED.

---

<sup>2</sup> After reviewing trial testimony, the Court finds that inflation and interest offset each other, resulting in a net discount rate of 0%. Therefore, of this amount, \$16,158.54 represents the present value of the reasonable and necessary future medical expenses that J.M. will incur until he reaches the age of 18. \$168,025.89 represents the present value of reasonable and necessary future medical expenses J.M. will incur after the age of 18. The Government stipulated to \$128,859.00 in lost earning capacity, which is split evenly between the two McNulty children. ECF No. 576 at 11 (stipulation); ECF No. 584, at 34 n.9 (Finding).

<sup>3</sup> See <https://www.federalreserve.gov/releases/h15/>; accessed April 4, 2022, showing 1-year Treasury constant maturities for March 25, 28-31, which average to 1.66%.

SIGNED on this 5th day of April, 2022.

A handwritten signature in blue ink, consisting of a large loop followed by a horizontal stroke and a small flourish.

---

XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE